



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON, TN 38055-0000

Canc frp: Apr 11

BUPERSNOTE 1780

PERS-314

7 APR 2010

BUPERS NOTICE 1780

From: Chief of Naval Personnel

Subj: POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF 1 AUGUST 2009

Ref: (a) Public Law 110-252
(b) BUPERINST 1780.1A

Encl: (1) Post-9/11 Educational Assistance 1 August 2009

1. Purpose. To implement policy and provide information to Navy personnel about the Post-9/11 Educational Assistance Program authorized under reference (a), amending 38 U.S.C., by adding chapter 33.

2. Discussion. Reference (b) implements policies and provides information on all GI Bill programs for Navy personnel. It will be updated in the near future; however, in order to distribute Post-9/11 GI Bill information in the interim, enclosure (1) is provided by this notice.

3. Points of Contact

a. For questions on this program regarding active duty personnel, including Full Time Support, contact:

Navy Personnel Command
Federal Benefits Branch (PERS-314)
5720 Integrity Drive
Millington TN 38055-0314

Comm: (901) 874-4258/DSN 882 or
Toll Free 1-866-827-5672, Ext 4258
Fax: (901) 874-2052/DSN 882
E-mail: mill mgib@navy.mil

b. For questions on this program regarding Selected Reserve personnel, contact:

7 APR 2010

Commander, Navy Reserve Forces Command
Post-9/11 GI Bill Manager (N15)
1915 Forrestal Drive
Building NH-32
Norfolk, VA 23551-4615

Toll Free 1-800-621-8853

E-mail: cnrfc_post911gibill@navy.mil

c. For questions regarding GI Bill entitlement status or benefit payment status, contact the Department of Veterans Affairs (DVA) at 1-888-442-4551. Overseas personnel should direct inquiries to:

VA Regional Office
P.O. Box 4616
Buffalo, NY 14240-4616

4. Records Management. Records created as a result of this notice, regardless of media and format, shall be managed per Secretary of the Navy Manual 5210.1 of November 2007.

5. Cancellation Contingency. This notice will remain in effect until revision of BUPERSINST 1780.1A or for 1 year, whichever occurs first. This notice may be retained for reference purposes only.



D. P. QUINN
Rear Admiral, U.S. Navy
Deputy Chief of Naval Personnel

Distribution:
Electronic only, via BUPERS Web site
<http://www.npc.navy.mil>

POST-9/11 EDUCATIONAL ASSISTANCE
1 AUGUST 2009

1. Background. Public Law 110-252 amended 38 U.S.C., by adding chapter 33, the Post-9/11 Educational Assistance Program, hereafter referred to as the Post-9/11 GI Bill. The Post-9/11 GI Bill is administered by the DVA and provides for educational assistance to eligible members of the Armed Forces who serve qualifying active duty service after 10 September 2001. The term "Armed Forces" used throughout this enclosure is defined as: Active duty service in the active forces and/or Selected Reserve (SELRES) service in a drill pay status (this does not include service in the Individual Ready Reserve or assignment in a Voluntary Training Unit). DVA is the final authority on determination of program eligibility. The Office of the Chief of Naval Operations, Training and Education Division (N15) is responsible for Navy's policy for the Post-9/11 GI Bill. The Navy Personnel Command (NAVPERSCOM), GI Bill Programs Section (PERS-314) and Commander, Navy Reserve Forces Command (COMNAVRESFORCOM), Post-9/11 GI Bill Manager (N15), are responsible for the execution of the Post-9/11 GI Bill for Navy active duty including FTS, SELRES, and veterans.

2. Eligible Individuals. Generally, an individual who serves a minimum of 90 aggregate days of qualifying active duty after 10 September 2001, and receives an honorable discharge will be eligible for educational assistance under the Post-9/11 GI Bill. A member who serves on active duty after 10 September 2001 for at least 30 continuous days and is discharged due to a service-connected disability will also be eligible. Qualifying active duty service includes full-time active duty in the Active Forces, or for a SELRES, orders to active duty from a reserve component under 10 U.S.C., sections 688, 12301(a), 12301(d), 12303(g), 12302 or 12304.

a. The following periods of active duty service are excluded for purposes of accruing service for Post-9/11 GI Bill eligibility:

(1) Reserve Officer Training Corps Scholarship Program statutory contract period (4 years; beginning 1 July 2010, 5 years);

(2) Service academy statutory contract period (5 years);

(3) Service terminated due to defective enlistment and induction based on an individual being a minor for purposes of service in the Armed Forces, an erroneous enlistment or a defective enlistment agreement;

(4) Service used for the Loan Repayment Program (3 years);

(5) SELRES service used to establish eligibility under Montgomery GI Bill-Selected Reserve (MGIB-SR) or Reserve Educational Assistance Program (REAP); or

(6) Initial entry training (recruit training and "A" school) unless the member serves 24 months or more of aggregate qualifying service.

b. The following chart depicts SELRES qualifying active duty service.

**SELECTED RESERVE QUALIFYING SERVICE FOR POST-9/11 GI BILL
ELIGIBILITY
(ONLY QUALIFYING SERVICE COMPLETED AFTER 10 SEP 01)**

TYPE OF TRAINING AND/OR ORDERS TO ACTIVE DUTY	SERVICE QUALIFIES TOWARD TOTAL AGGREGATE ACTIVE SERVICE	LEGAL REFERENCE
Inactive Duty Training (IDT) (Drills and Inactive Duty Training Travel (IDTT)	No	10 U.S.C., section 10147
Annual Training (AT)	No	10 U.S.C., sections 10147/12301(b)
Funeral Honors	No	10 U.S.C., section 12503
Initial Active Duty for Training (IADT)	Yes *	10 U.S.C., section 12301(d)
Active Duty for Training (ADT) for Operational Support	Yes **	10 U.S.C., section 12301(d)
Active Duty for Training (ADT) for Schools	Yes **	10 U.S.C., section 12301(d)
Active Duty for Special Work (ADSW)	Yes	10 U.S.C., section 12301(d)
Active Duty for Operational Support (ADOS)	Yes	10 U.S.C., section 12301(d)
Mobilization (Voluntary)	Yes	10 U.S.C., section 12301(d)
Full Mobilization (Involuntary, During War Time)	Yes	10 U.S.C., section 12301(a)
Partial Mobilization (Involuntary)	Yes	10 U.S.C., section 12302
Presidential Recall (PRC)	Yes	10 U.S.C., section 12304
Full-Time Support (FTS Recall)	Yes	10 U.S.C., section 12301(d)

7 APR 2010

* IADT service time will not count toward the total aggregate until member has more than 24 aggregate months of qualifying service. (Time served in recruit training and "A" school.)

** Written ADT orders not reflecting the legal reference will qualify towards the total aggregate.

c. An individual who is the child of a person who, after 10 September 2001, dies in the line of duty while serving on active duty as a member of the Armed Forces, is eligible for educational assistance under the Post-9/11 GI Bill. This educational assistance is known as the "Marine Gunnery Sergeant John David Fry Scholarship." For the purposes of this paragraph, the term "child" includes a married individual or an individual who is above the age of 23 years.

3. Entitlement. Individuals eligible under the Post-9/11 GI Bill are generally entitled to 36 months of full-time educational program assistance. Individuals may not receive benefits under the Post-9/11 GI Bill and Montgomery GI Bill (MGIB), Veterans Educational Assistance Program (VEAP), MGIB-SR, REAP, Vocational Rehabilitation and Employment Program, or Dependents' Educational Assistance Programs concurrently. Generally, individuals are limited to a maximum of 48 months of entitlement when eligible for benefits under two or more DVA education programs.

a. Individuals eligible under the MGIB program may elect to relinquish entitlement to receive benefits under the Post-9/11 GI Bill; however, they are only entitled to the number of months of benefits they have remaining under the MGIB program, up to a maximum of 36 months. For example, if an individual had 10 months of remaining MGIB entitlement when they elected the Post-9/11 GI Bill, they would only be eligible for 10 months of entitlement under the Post-9/11 GI Bill.

b. If an individual exhausts all their MGIB entitlement, and meets all the eligibility requirements for the Post-9/11 GI Bill, they may still be eligible for benefits under the Post-9/11 GI Bill. For example, if an individual used all 36 months of MGIB entitlement and meets eligibility under the Post-9/11 GI Bill, they may receive up to 12 months of benefits under the Post-9/11

GI Bill (48-month maximum entitlement minus 36 months used MGIB entitlement equals 12 months available for Post-9/11 GI Bill entitlement).

4. Retaining Entitlement. In order to retain Post-9/11 GI Bill entitlement, after meeting the service requirements, an individual must:

a. Be honorably discharged from the Armed Forces (if less than honorable discharge is received, a discharge prior to immediate reenlistment will suffice, but the period after reenlistment will not be creditable for Post-9/11 GI Bill purposes); or

b. Be released from the Armed Forces with service characterized as honorable and placed on retired list, temporary disability retired list, or transferred to the Fleet Reserve or the Fleet Marine Corps Reserve; or

c. Be released from the Armed Forces with service characterized as honorable for further service in a reserve component; or

d. Be discharged or released from the Armed Forces for a medical condition which existed prior to service and is not service-connected, hardship as determined by the Secretary of the Navy (SECNAV), or a physical or mental condition (not a disability) that interfered with the individual's performance of duty, but did not result from the individual's own misconduct; or

e. Continues on active duty.

5. Time Limitation to Use Entitlement

a. Except as stated in paragraphs 5b and 13e(3), opportunity to use Post-9/11 GI Bill entitlement ends 15 years from the date of the member's last release or discharge from active duty of at least 90 consecutive days other than for training.

b. Individuals entitled to the Marine Gunnery Sergeant John David Fry Scholarship may use their entitlement for 15 years from the date of their 18th birthday.

6. Post-9/11 GI Bill Elections. Members/veterans entitled to the Post-9/11 GI Bill may apply for benefits or determine entitlement through the DVA using VA 22-1990 Application for VA Education Benefits. Applications may be filed by mail or electronically through the DVA Web site (www.gibill.va.gov) using the Veterans On Line Application (VONAPP).

a. An individual who, as of 1 August 2009, is:

(1) Eligible for MGIB, MGIB-SR or REAP benefits;

(2) A member of the Armed Forces who is eligible to receive MGIB benefits and is making the basic \$1,200 contribution toward the MGIB; or

(3) A member of the Armed Forces who previously declined MGIB enrollment and who is eligible for the Post-9/11 GI Bill on the date of election, may elect the Post-9/11 in lieu of the MGIB, MGIB-SR or REAP. Only one program needs to be relinquished. The election is irrevocable. The individual will no longer be eligible under the GI Bill program they elected to relinquish in order to receive the Post-9/11 GI Bill.

b. Any initial MGIB enrollment contributions being made at that time the member elects the Post-9/11 GI Bill in lieu of the MGIB will cease the month following the election. This does not apply if the entire \$1,200 has been contributed. To effect the cessation of MGIB contributions, the member must provide NAVPERSCOM (PERS-314) a copy of their Certificate of Eligibility (COE) received from DVA. This may be done by mail (Navy Personnel Command (PERS-314), 5720 Integrity Drive, Millington, TN 38055-0314), e-mail (mill_mgib@navy.mil) or fax (901) 874-2052/DSN 882). Upon receipt of the COE, NAVPERSCOM (PERS-314) will authorize the Defense Finance and Accounting Service to stop pay deductions the month following the member's Post-9/11 GI Bill election.

7. Approved Programs. Individuals with Post-9/11 GI Bill entitlement may receive educational assistance for any program of education that is approved under the MGIB Program, including approval by the State Approving Agency concerned, and offered by an Institution of Higher Learning (IHL). This includes graduate and undergraduate training, and some vocational/technical training programs. DVA is the final authority on program

eligibility. Individuals who were entitled to benefits under the MGIB Program, MGIB-SR, or REAP, may receive benefits for approved programs not offered by IHLs; i.e., flight training, correspondence training, apprenticeship/on the job training, preparatory courses and national tests. Individuals will be paid "as if" they are still receiving benefits under their relinquished GI Bill entitlement. However, such entitlement used will be deducted from their Post-9/11 GI Bill entitlement. The monthly housing allowance and book and supply stipend are not payable in these cases.

8. Educational Assistance. Tuition and fees, monthly housing allowance and stipend for books and supplies may be included in the education assistance provided. An eligible member/veteran will receive a percentage of the maximum benefit payable based on the aggregate amount of active duty served after 10 September 2001. An individual entitled to the Marine Gunnery Sergeant John David Fry Scholarship will be eligible for 100 percent of the maximum benefit payable. Post-9/11 GI Bill benefits are subject to change based on legislative changes. Benefits are different for educational programs pursued on a full-time basis or at an applicable reduced rate determined by the DVA for less than full-time enrollment. The following chart depicts the aggregate active duty service matched with the maximum percent of benefit payable:

Service Requirements (aggregate active duty service after 9/10/01)	Includes Recruit Training & "A" School?	Payment Tiers Percentage
At least 36 months	Yes	100*
At least 30 continuous days of active duty (Must be discharged due to service-connected disability)	Yes	100*
At least 30 months, but less than 36 months	Yes	90
At least 24 months, but less than 30 months	Yes	80
At least 18 months, but less than 24 months	No	70
At least 12 months, but less than 18 months	No	60
At least 06 months, but less than 12 months	No	50
At least 90 days, but less than 06 months	No	40

* Eligible for Yellow Ribbon Program

a. Tuition and Fees. The amount payable for the entire quarter, semester or term will be sent directly to the school as

a lump sum payment. Individuals are eligible for the applicable percentage (based on aggregate active duty service) of the following:

(1) For individuals not on active duty, the lesser of tuition and fees charged or the highest amount of tuition and fees charged for full-time, in-State undergraduate training at a public IHL in the State the student is attending.

(2) For individuals on active duty, the lesser of the tuition and fees charged or the amount of charges that exceed the amount paid by the Navy's tuition assistance (commonly called "Top Up"). Individuals on active duty who are not using tuition assistance, are not limited to the highest in-State undergraduate tuition and will receive full tuition and fees for courses taken.

(3) For individuals enrolled on half-time basis or less, the lesser of established charges or the highest amount of established charges regularly charged in-State undergraduate students for full-time pursuit at an in-State public IHL.

b. Monthly Housing Stipend. The monthly housing stipend is based on the monthly basic allowance for housing payable for a military member with dependents in pay grade E5 residing in the same ZIP code of the IHL that the individual is attending. This stipend, which is prorated based on the percentage of maximum benefit payable as noted in the above chart, is paid to the individual monthly. Active duty members, individuals training at half-time or less, and individuals pursuing training solely by distance learning are not eligible for the monthly housing stipend.

c. Stipend for Books and Supplies. Individuals may receive a stipend of up to \$1,000 per academic year for books, supplies, etc. The stipend is paid proportionally for each quarter, semester or term attended. It is based on \$41.67 per credit hour, not to exceed 24 credit hours in an academic year. This stipend, which is prorated based on the percentage of maximum benefit payable as noted in the above chart, is paid to the individual. Active duty members are not eligible for the monthly book stipend. Individuals training at half-time or less are eligible for an appropriately reduced stipend for books.

d. Rural Benefit. A one-time payment of \$500 with no entitlement charge may be paid to an individual using Post-9/11 GI Bill to pursue a program of education if the individual:

(1) Resides in a county with six persons or less per square mile as determined by the most recent decennial Census; and either:

(2) Physically relocates at least 500 miles; or

(3) Travels by air to physically attend an IHL if no other land-based transportation exists.

e. Other Benefits. The following benefits are authorized with no charge to entitlement as a result:

(1) Tutorial assistance may be paid up to \$100 per month, not to exceed a total of \$1,200;

(2) One licensing or certification test may be reimbursed, not to exceed the cost of the test up to a maximum of \$2,000; and

(3) Work study is authorized for individuals training at three-quarter time or higher.

9. Supplemental Educational Assistance

a. A previously guaranteed Navy College Fund kicker under the MGIB program or a kicker under MGIB-SR, will be paid to the student, based on their rate of pursuit, as a lump sum at the beginning of each enrollment period.

b. The \$600 increased benefit option available under MGIB and REAP is sometimes erroneously referred to as a kicker. This option cannot be used with the Post-9/11 GI Bill, and those who choose to use the Post-9/11 GI Bill in lieu of the MGIB or REAP, cannot receive a refund of their contributions for that option.

10. Yellow Ribbon Program (YRP). For public-private contributions for additional educational assistance, the Post-9/11 GI Bill allows IHLs to voluntarily enter into an agreement with DVA to fund up to 50 percent of the established charges not already covered. The DVA will match each additional

dollar that an institution contributes, up to 50 percent of the difference between the student's tuition benefit and the total cost of tuition and fees. The combined amounts may not exceed the full cost of the school's established charges. The YRP provides additional funding for training at private institutions, graduate training and out-of-state tuition. Only individuals entitled to the 100 percent benefit rate (based on service requirements) may receive this funding. Additional information on this program can be found on the DVA Web site www.gibill.va.gov.

11. Overpayment of Benefits. Tuition and fee payments are made to the school on behalf of the student which means the student is responsible for any overpayment incurred as a result of not completing courses and not substantiating mitigating circumstances for not completing such enrollment. The student will be charged an overpayment equal to the amount of all educational assistance paid for that period of enrollment. DVA will determine the amount of an overpayment of an individual in receipt of Post-9/11 GI Bill benefits and notify the individual. The individual will make repayment arrangements with DVA's Debt Management Center.

12. Refund of MGIB Enrollment Contributions Due to Election of the Post-9/11 GI Bill Program

a. Individuals who initially entered active duty after 30 June 1985, enrolled in the MGIB and now elect the Post-9/11 GI Bill may receive a proportional refund of their \$1,200 enrollment contribution. This refund may be included in the last monthly housing stipend payment by the DVA when the individual's Post-9/11 GI Bill entitlement is exhausted. The refund amount is based on the number of months remaining under the MGIB Program at the time the individual elected the Post-9/11 GI Bill. There is no provision for a refund of MGIB contributions made by those who:

- (1) Do not use all of their Post-9/11 entitlement;
- (2) Initially declined MGIB, but enrolled during the open enrollment period;
- (3) Enrolled in the MGIB by converting from VEAP; or

(4) Enrolled in the MGIB as result of a voluntary separation incentive or a qualifying involuntary separation and re-entered active duty.

b. Contributions toward the \$600 increased benefit option under the MGIB and REAP are non-refundable by law and not authorized by the Navy.

13. Transfer of Post-9/11 GI Bill Entitlement. To promote recruitment and retention of members of the Armed Forces, the Secretary of Defense/SECNAV have agreed to allow eligible individuals to transfer a portion or all of their unused Post-9/11 GI Bill entitlement to their spouse and/or children. Before a member can apply to transfer entitlement, the spouse and/or children must be enrolled in the Defense Eligibility Enrollment System (DEERS) and be eligible for ID card benefits. For children, this means the child has not reached age 21, or has not reached age 23 and is enrolled full-time at an IHL.

a. Eligible Individuals. Any member in the Armed Forces on or after 1 August 2009, who is eligible for the Post-9/11 GI Bill and who, at the time of approval of the individual's request to transfer their unused Post-9/11 GI Bill entitlement:

(1) Has served at least 6 years (active duty and/or SELRES), and agrees to serve at least 4 additional years in the Armed Forces from the date of election; or

(2) Has served at least 10 years (active duty and/or SELRES) on the date of election and either standard policy (Navy or Department of Defense) or statute preclude the member from committing to 4 additional years, but they agree to serve the maximum amount of time allowed by such policy of statute; or

(3) Is/becomes retirement eligible during the period of 1 August 2009 through 1 August 2012, and agrees to serve the additional period, if any, specified below. For Post-9/11 GI Bill purposes, retirement eligible is considered completion of 20 years of active Federal service or 20 qualifying years of as computed under 10, U.S.C., section 12732.

(a) For those eligible for retirement on 1 August 2009, no additional service is required.

(b) For those who have an approved retirement date after 1 August 2009 and before 1 July 2010, no additional service is required.

(c) For those eligible for retirement after 1 August 2009 and before 1 August 2010, 1 additional year from the date of transfer election is required in the Armed Forces.

(d) For those eligible for retirement on or after 1 August 2010 and before 1 August 2011, 2 additional years from the date of transfer election is required in the Armed Forces.

(e) For those eligible for retirement on or after 1 August 2011 and before 1 August 2012, 3 additional years from the date of transfer election is required in Armed Forces.

(f) For those eligible for retirement on or after 1 August 2012, 4 additional years from the date of transfer election/approval is required in the Armed Forces.

b. Administrative Requirements of Transferor

(1) Ensure spouse and/or children are enrolled in DEERS and eligible for ID card benefits prior to completing application to transfer Post-9/11 GI Bill entitlement. See paragraph 13 above.

(a) Eligible military member married to an eligible military member may both transfer entitlement to their child(ren); however, both members must have children enrolled in DEERS, only one will have them enrolled for Federal benefits.

(b) An eligible military member can transfer their Post-9/11 entitlement to their military spouse who may also be eligible for Post-9/11 entitlement.

(2) Ensure the required, additional Armed Forces service obligation (see paragraphs 13a(1), (2), and (3)(c)-(f)) is reflected in the Electronic Service Record (ESR) prior to making election to transfer Post-9/11 GI Bill entitlement. Applications from members whose ESR does not reflect the required additional service obligation will be disapproved. The

member will then be required to reapply for transferability and their additional service obligation will be calculated from the date their reapplication is approved.

(a) Enlisted Members: Consult with command career counselor to ensure Expiration of Active Obligated Service/Expiration Obligated Service is sufficient to meet the required additional service obligation and/or discuss obligated service options.

(b) SELRES Officers and Enlisted: All SELRES members are required to have a NAVPERS 1070/613 Administrative Remarks page prepared by their command in the Navy Standard Integrated Personnel System (NSIPS) ESR agreeing to serve the required additional years of service. See paragraph 13b(2)(c) below for required statement for NAVPERS 1070/613. The NAVPERS 1070/613 will be signed by the member, witnessed and dated.

(c) Active Duty Officers (including FTS, other than those in categories listed in paragraphs 13a(3)(c)-(e) above): The command will complete a NAVPERS 1070/613 in NSIPS ESR. The NAVPERS 1070/613 will read "I understand by signing this NAVPERS 1070/613, I agree to complete 4 more years in the Armed Forces (active or SELRES) from the date I request transferability of Post-9/11, REAP or MGIB-SR education benefits to my dependents/family members. I understand that failure to complete this 4-year obligation may lead to an overpayment by the DVA that may be recouped for any payments made to dependents/family members." The NAVPERS 1070/613 will be signed by the member, witnessed and dated.

(3) Complete/submit electronic transfer election using the Transferability of Education Benefits (TEB) Web application at <https://www.dmdc.osd.mil/teb>.

(a) TEB Web application may also be used by those members eligible for MGIB-SR and REAP to transfer entitlement under those programs to family members. By choosing transferability under the Post-9/11 GI Bill, the member is making an irrevocable decision to convert over to that educational benefit program.

(b) The transferor's family member(s) will be listed on the application, pre-populated from DEERS.

(c) The transferor can only modify their request once it has been approved by NAVPERSCOM (PERS-314)/Commander, Navy Reserve Forces Command, Post-9/11 GI Bill Manager (N15).

(d) The transferor must acknowledge the following disclosures:

1. I am eligible for the education program I am applying to transfer.

2. I understand I may transfer up to 36 months (or my remaining months of eligibility, whichever is less) of my education benefits to spouse and/or children, and can modify or revoke my election at any time.

3. I understand that my spouse may use the benefit immediately and children (ages 18-26) after I have served 10 years.

4. I understand and agree to remain in the Armed Forces for the period required. I understand that failure to complete that service may lead to an overpayment by DVA for any payments made.

5. I understand that I am responsible for any overpayments due to not completing my additional obligated term of service agreement.

6. I understand that along with requesting this transfer, I am converting my eligibility from the MGIB, MGIB-SR or REAP for eligibility under the Post-9/11 GI Bill. I understand this decision is irrevocable.

(e) Members should check the TEB Web site periodically for status of their applications.

1. If an application is disapproved, the member should see their command career counselor, take corrective action and then must reapply.

2. Approved applications will be sent electronically to DVA via the Defense Manpower Data Center. Requests that have been approved will reflect a projected obligation end date, normally 4 years.

c. Months of Entitlement Transferable. The number of months transferred by an individual may not exceed the lesser of the months of unused entitlement available under the Post-9/11 GI Bill or 36 months.

d. Designation of Transferee

(1) An individual transferring Post-9/11 entitlement must designate the eligible transferee(s), the number of months of entitlement to be transferred to each transferee and specify the period for which the transfer will be effective for each transferee.

(2) An eligible individual may transfer entitlement only while serving as a member of the Armed Forces.

(3) The transferor may modify (add new dependents, change entitlement for existing dependents, or revoke entitlement) while serving in the Armed Forces.

(4) The transferor may modify entitlement for existing dependents or revoke entitlement after separating from the Armed Forces. However, entitlement may not be transferred to a new dependent or a dependent with "0" months of transferred entitlement once the transferor is no longer a member of the Armed Forces. After separation from the Armed Forces, modification and revocation of transferred entitlement shall be made by submitting written notice to the DVA Regional Processing Office (RPO) that services the geographic area where the veteran lives. Addresses of the four DVA RPOs are available at www.gibill.va.gov.

(5) Transferred Post-9/11 GI Bill entitlement may not be treated as marital property or the asset of a marital estate subject to division in a divorce or other civil proceeding.

(6) A child may establish eligibility to Post-9/11 benefits if the entitlement is transferred before reaching the age of 23.

e. Use of Transferred Entitlement. The transferee who receives entitlement is subject to the following:

(1) They must apply to DVA for Post-9/11 benefits using VA 22-1990E, which is available electronically on the DVA Web site using VONAPP.

(2) Spouse: May start to use the entitlement immediately after approval. The spouse is entitled to educational assistance in the same manner as the transferor, including the 15-year delimiting date.

(3) Child: May start to use the entitlement when the transferor has completed at least 10 years of service in the Armed Forces and the child has completed the requirements of a secondary school diploma (or equivalency certificate) or reaches 18 years of age. The child is entitled to educational assistance in the same manner as the transferor as if the transferor is not on active duty. The child is not subject to the 15-year delimiting date, but may not use any transferred entitlement after reaching 26 years of age.

(4) The death of the transferor does not affect the use of entitlement by the transferee.

(5) A subsequent divorce will not affect the transferee's eligibility to receive education benefits; however, after the transferor has designated a spouse as a transferee, the transferor retains the right to revoke or modify the transfer at any time.

(6) A child's subsequent marriage will not affect the transferee's eligibility to receive education benefits; however, after an individual has designated a child as a transferee, the transferor retains the right to revoke or modify the transfer at any time.

f. Overpayment to Transferee. In the event of an overpayment of educational assistance to a transferee, the transferee and the transferor will be jointly and severally liable to the United States for the amount of the overpayment for the purposes of 38 U.S.C., chapter 36, section 3685.

g. Failure to Complete Service Agreement. Generally, if the transferor fails to complete the agreed additional service in the Armed Forces required for transferability under the Post-9/11 GI Bill, the amount of any transferred entitlement

used by the transferee as of the date of such failure shall be treated as an overpayment of educational assistance and will be subject to collection by the DVA. This does not apply in the case of the transferor who fails to complete the agreed additional service due to:

(1) Death of the transferor; or

(2) Discharge or release from active duty in the Armed Forces for a medical condition which preexisted the service of the transferor and was not service connected; or

(3) Discharge or release from active duty for hardship;
or

(4) Discharge for a physical or mental condition that was not characterized as a disability and did not result from the transferor's willful misconduct, but did interfere with their performance of duty; or

(5) Discharge or release for a disability; or

(6) Discharge or release for a reduction in force.

14. Pre-separation Counseling. As part of pre-separation counseling, activities will:

a. Provide members with information on the benefits of the Post-9/11 GI Bill and document accordingly.

b. Include a review of the member's ESR for completion of any additional obligated service incurred for transferability. If the member has not completed their obligation and is separating for reasons other than those listed in paragraph 13g above, inform them they will be subject to collection by the DVA of all transferred entitlement used.